

Kaplan JS

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
AMUSEMENT INDUSTRY, INC., dba WESTLAND  
INDUSTRIES; PRACTICAL FINANCE CO., INC.,

Plaintiffs,

- against -

MOSES STERN, aka MARK STERN; JOSHUA SAFRIN,  
FIRST REPUBLIC GROUP REALTY LLC, EPHRAIM  
FRENKEL, LAND TITLE ASSOCIATES ESCROW,

Defendants.

----- X  
JOSHUA SAFRIN,

Defendant/Third Party-Crossclaim-  
Counterclaim-Plaintiff,

- against -

STEPHEN FRIEDMAN, STEVEN ALEVY, BUCHANAN  
INGERSOLL & ROONEY, P.C., BANKERS CAPITAL  
REALTY ADVISORS LLC, and FIRST REPUBLIC  
GROUP CORP.,

Third Party Defendants,

- and -

MOSES STERN, aka MARK STERN, FIRST REPUBLIC  
GROUP REALTY LLC, EPHRAIM FRENKEL, and  
LAND TITLE ASSOCIATES ESCROW,

Defendants/Crossclaim Defendants,

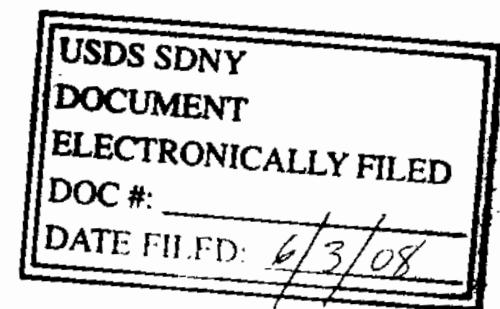
- and -

AMUSEMENT INDUSTRY, INC., dba WESTLAND  
INDUSTRIES, PRACTICAL FINANCE CO., INC.,

Plaintiffs/Counterclaim Defendants.

----- X  
No. 07 Civ. 11586 (LAK)(GWG)

STIPULATION



WHEREAS on May 1, 2008, Defendant/Third Party Plaintiff Joshua Safrin  
("Safrin") filed a Third Party Complaint, which appears on the Court's docket as entry  
number 65; and

WHEREAS, on May 27, 2008, Third Party Defendant First Republic Group Corp. ("First Republic Corp.") made a motion, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss the Third Party Complaint (the "Dismissal Motion"); and

WHEREAS the Dismissal Motion appears on the Court's docket as entries 82 and 83; and

WHEREAS, on May 29, 2008, Safrin filed an Amended Third Party Complaint (the "Amended Third Party Complaint"); and

WHEREAS, the Amended Third Party Complaint supersedes the Third Party Complaint; and

WHEREAS, First Republic Corp. intends to move to dismiss the Amended Third Party Complaint; and

WHEREAS, the parties wish to agree upon a schedule for briefing of the anticipated motion to dismiss the Amended Third Party Complaint (the "Anticipated Dismissal Motion"); and

WHEREAS, this is the first request to set a briefing schedule on the Anticipated Motion that deviates from the time periods set forth in Rule 6.1 of the Local Rules for the Southern and Eastern Districts of New York;

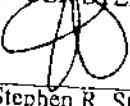
IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

- (a) The Anticipated Dismissal Motion shall be served and filed by First Republic Corp. on or before June 9, 2008;
- (b) The Anticipated Dismissal Motion, when served and filed, shall supersede Dismissal Motion;
- (c) Answering papers, if any, on the Anticipated Dismissal Motion shall be served and filed on or before July 11, 2008;

- (d) Reply papers, if any, on the Anticipated Dismissal Motion shall be served and filed on or before July 25, 2008; and  
(e) This stipulation may be executed in counterparts.

Dated: New York, New York  
May 2, 2008

HOFFINGER STERN & ROSS, LLP

By:   
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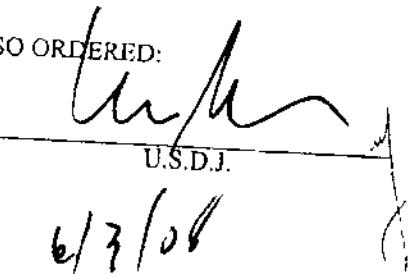
Attorney for First Republic Group Corp.

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Attorneys for Defendant Joshua Safrin

SO ORDERED:

  
U.S.D.J.

6/3/08